REMARKS

The present application was filed on March 7, 2000, with claims 1-19. Claims 1-19 are currently pending in the application.

Applicants have amended the specification to correct minor errors of a typographical nature.

Applicants respectfully request reconsideration of the present application in view of the following remarks.

Claims 1-19 stand rejected under 35 U.S.C. §102(a) as being anticipated by M. Mortensen, "Operations Architecture for Data-Centric Converged Telecommunications Networks: Lucent Technologies' Open Operations CORBA Architecture," Lucent Network and Services Management White Paper, pp. 1-10, 1999 (hereinafter "the Mortensen reference"). Applicants respectfully traverse the rejection on the ground that the Examiner has failed to meet his or her initial burden of establishing that the Mortensen reference constitutes prior art under §102(a).

Applicants initially note that the Mortensen reference bears a copyright date of 1999, but there is apparently no other date information anywhere on the cited reference.

The Mortensen reference was cited by Applicants in their Information Disclosure Statement filed March 7, 2000. However, Applicants indicated in the Statement that the filing thereof should not be construed "as an admission that the information cited is considered to be material to patentability."

The Mortensen reference is also incorporated by reference into the present application, as indicated at page 5, lines 2-6 of the specification.

There is nothing in their citation of the Mortensen reference in their Information Disclosure Statement, or in their incorporation of the cited reference into their application, that can be viewed as constituting an admission by the Applicants that the Mortensen reference is prior art.

Applicants further note that the present application includes a domestic priority claim, as acknowledged by the Examiner, to provisional application Serial No. 60/146,704 filed July 30, 1999. The effective filing date of the present application is therefore July 30, 1999.

It is believed that the Examiner in formulating the §102(a) rejection is improperly assuming that the Mortensen reference constitutes evidence of knowledge, use, or publication prior to the July 30, 1999 effective filing date of the present application. As indicated above, the only date

information indicated on the Mortensen reference itself is the year 1999 in the copyright notice. As a hypothetical for purposes of argument only, it is at least conceivable that the Mortensen reference could have an effective date in 1999 which is later than the July 30, 1999 effective filing date of the present application. Moreover, it is possible that the Mortensen reference was never actually published, but was instead only used internally at Lucent Technologies.

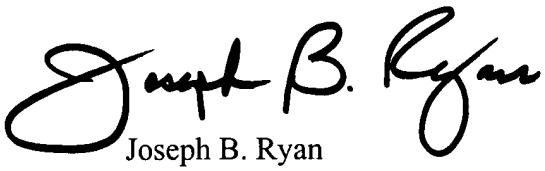
The §102(a) rejection is therefore believed to be improper on its face, because the Examiner has failed to meet his or her initial burden of establishing that the Mortensen reference is in fact prior art which predates the effective filing date of the present application.

At present, the undersigned has no additional information regarding the Mortensen reference other than that which has already been made available to the Examiner. An Internet search conducted recently by the undersigned, using the well-known Google™ search engine, did not yield any further information regarding the Mortensen reference. However, the undersigned made an additional attempt to obtain the Mortensen reference from the Infotrieve document delivery service. Infotrieve was unable to find any publication of the Mortensen reference dated 1999, but was able to locate a later published article by the same author and having a similar title. That published article is dated 2001, and does not constitute prior art relative to the present application, but is nonetheless submitted herewith for the consideration of the Examiner as part of a Supplemental Information Disclosure Statement.

In view of the foregoing, it is believed that the §102(a) rejection is fundamentally deficient in that the Examiner has failed to meet his or her initial burden of establishing that the Mortensen reference is prior art which predates the July 30, 1999 effective date of the present application. The §102(a) rejection should therefore be withdrawn.

Attached hereto is a marked-up version of the changes made to the specification by the present Amendment.

Respectfully submitted,



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Joseph B. Ryan
Attorney for Applicant(s)
Reg. No. 37,922
Ryan, Mason & Lewis, LLP
90 Forest Avenue
Locust Valley, NY 11560
(516) 759-7517

VERSION WITH MARKINGS TO SHOW CHANGES MADE

IN THE SPECIFICATION

The paragraph beginning at page 3, line 8, has been amended as follows:

The inter-domain configuration manager, inter-domain fault manager and inter-domain capacity manager may be interfaced to the set of network service management applications and the set of network element domain managers through corresponding published Common Object Request Broker Architecture (CORBA) Application Programming [Interface] Interfaces (APIs).

The paragraph of the Abstract beginning at page 20, line 2, has been amended as follows:

A network management system for a multi-layer network having multiple architectural or technological domains includes an inter-domain configuration manager arranged between a set of one or more network service management applications and a set of network element domain managers, each of the domain managers being associated with a particular domain of the multi-layer network. The configuration manager implements network service design and provisioning functions across the domains of the network in conjunction with stored connectivity information characterizing the multi-layer network. The network management system further includes an inter-domain fault manager and an inter-domain capacity manager, which provide respective fault management and transport capacity management functions across the domains of the multi-layer network. The inter-domain configuration manager, inter-domain fault manager and inter-domain capacity manager may be interfaced to the set of network service management applications and the set of network element domain managers through corresponding published Common Object Request Broker Architecture (CORBA) Application Programming [Interface] Interfaces (APIs).